

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
March 9, 2005

ITEM: 10

SUBJECT: Report on Settlement of Litigation: *People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. City of San Diego*, U.S. District Court, Southern District of California, Case No. 03CV1381-B(POR) (*John Robertus*)

PURPOSE: To allow public comment on the settlement of this case.

PUBLIC NOTICE: The notice of proposed settlement of NPDES enforcement was distributed to the public by mail on February 7, 2005 and was published in the San Diego Union-Tribune on February 8, 2005. These actions served as the 30-day official public notification for this action.

DISCUSSION: The California Regional Water Quality Control Board, San Diego Region (Regional Board) will consider settlement of this litigation against the City of San Diego (City) based on a Settlement Agreement negotiated by the Executive Officer. City has agreed to pay \$1.2 million to settle its potential liability for unauthorized discharges from sanitary sewers up to October 1, 2004. The payment would be made to the State Water Pollution Cleanup and Abatement Account and specified environmental projects. City also agrees that Regional Board shall be entitled to take enforcement action for sewer spills that occur after October 1, 2004 and other violations of Regional Board orders notwithstanding the provisions in any consent decree or settlement in related litigation between City and U.S. EPA and citizens' organizations. The San Diego City Council has approved the settlement and payment.

SUPPORTING DOCUMENTS: 1. Public Notice
2. Settlement Agreement

RECOMMENDATION: Consider public comments on the settlement agreement and as deemed appropriate, take final action to approve the settlement.